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at 3 p.m.
New York

SUMMARY RECORD OF THE 48th MEETING

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| Chairman: | Mr. SRIVIHOK<br>(Vice-Chairman) | (Thailand) |
| later: | Mr. BIGGAR<br>(Vice-Chairman) | (Ireland) |
| later: | Mr. CISSÉ<br>(Chairman) | (Senegal) |

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In the absence of Mr. Cissé (Senegal, Mr. Srivinck (Thailand), Vice-Chairman, took the Chair.

The meeting was called to order at 3.15 p.m.

AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS (continued) (A/49/57 and Corr.1, A/49/58, A/49/75-S/1994/180, A/49/182, A/49/206, A/49/220, A/49/221, A/49/265, A/49/271, A/49/282, A/49/283, A/49/286, A/49/287, S/1994/894 and Corr.1, A/49/298, A/49/304, A/49/386, A/49/422, A/49/532, A/49/591)

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (A/49/668; A/C.3/49/5, 8 and 10)

1. Mr. GORITA (Romania) reaffirmed Romania's strong commitment to the full implementation of the recommendations of and the follow-up to the World Conference on Human Rights.

2. The Vienna Declaration and Programme of Action were the culmination of a long evolution of human rights machinery and also the beginning of a renewed effort to strengthen and implement the body of human rights instruments. The World Conference on Human Rights had been able to bring the international community to a consensus on the indivisibility and universality of human rights and to undertake an overview of the United Nations human rights machinery in order to rationalize and strengthen it.

3. The international community must maintain the spirit of consensus in order to improve the coordination and effectiveness of human rights mechanisms in accordance with the recommendations of the Conference. In so doing, it must take into account two interrelated elements which constituted the basis of any dialogue and constructive cooperation. The first was the comprehensive international legal and institutional framework which had been built up so far. The second, and by far the most important, was the political action taken by States to ensure the efficient functioning of those mechanisms. It was not a

question of interpreting or developing the existing framework, but of making it effective.

4. Only States which were based on democratic structures and values were able to ensure the promotion and protection of all human rights and fundamental freedoms within their territory and to promote, through their foreign policy, the global fulfilment of those rights. The Vienna Declaration and Programme of Action underlined the responsibility of Governments to promote and protect those rights, but also that human rights were a legitimate concern of the entire international community.

5. Romania looked forward to discussing proposals for enhancing the effectiveness of the United Nations human rights system. In the spirit of paragraphs 17 and 18 of section II A of the Vienna Declaration, the international community should fully support the High Commissioner for Human Rights in order to derive the utmost benefit from his mandate. The Commissioner must play an active role the world over in contributing to the full realization of all human rights and in preventing violations. He also had the authority to address shortcomings in the current system.

6. The effectiveness of the advisory and technical assistance services of the Centre for Human Rights should be maximized to ensure the prompt implementation of the recommendations of the Vienna Conference.

7. The informal Working Group of the Third Committee gave delegations an opportunity to exchange views and reach a consensus, without prejudice to the annual review of the progress achieved in implementing the Vienna recommendations conducted by the General Assembly and the Commission on Human Rights.

8. Romania fully supported the efforts made thus far by the United Nations human rights system. Further action should be taken to transform human rights protection from a matter of concern to a common religion of the twenty-first century.

9. Mr. ENKHTSETSEG (Mongolia) said that the outcome of the World Conference on Human Rights embodied in the Vienna Declaration and Programme of Action, represented an important milestone in the history of the promotion and protection of human rights, and that the recognition of the principle of the universality and indivisibility of human rights was one of the major achievements of the international community. The Vienna documents reflected a consensus on the long controversial issue of domestic jurisdiction versus international protection and highlighted the interrelationship among human rights, democracy and development. As the Secretary-General said in his report (A/49/668), the task now was to implement the recommendations of the Vienna Conference through concerted efforts on the part of the international community. Mongolia commended the work done by the High Commissioner for Human Rights in that area, particularly the dialogue he had launched within the United Nations system and with a number of Governments.

10. The Vienna Conference had also reaffirmed by consensus the right to development as a universal and inalienable right. The High Commissioner had

pledged his support for the realization of that right and Mongolia welcomed the innovative ideas in that regard contained in paragraph 73 of his report (A/49/36). It was also pleased to note that the Centre for Human Rights had strengthened its programme of advisory services and technical assistance, which were of great importance for consolidating democratic infrastructures in developing countries and countries in transition. In Mongolia, the Centre was supporting a two-year project aimed at strengthening an independent judiciary, streamlining the legal system and the legal profession and training legal practitioners and criminal justice personnel, with emphasis on the implementation of international human rights standards.

11. His delegation supported the recommendation of the Vienna Conference that the rights of the child should be a priority in the United Nations system, and welcomed the joint work programme between the High Commissioner for Human Rights and UNICEF for the implementation of the Convention on the Rights of the Child. As noted by the Secretary-General in paragraph 61 of his report, national and international efforts should be strengthened for the protection of children, in particular the girl child, abandoned children, street children and economically and sexually exploited children. In that regard, his delegation welcomed the decision taken by the Commission on Human Rights (resolutions 1994/90 and 1994/91) to establish two open-ended working groups to draft relevant optional protocols to the Convention on the Rights of the Child, one on the prevention and eradication of the sale of children, child prostitution and child pornography, and the other on the protection of children in armed conflicts. Mongolia hoped that universal ratification of the Convention would be achieved by 1995.

12. The Vienna Declaration and Programme of Action also called for the integration of women's human rights into the mainstream of United Nations human rights activities and recommended that various forms of violence against women should be examined within the context of human rights standards and in conjunction with gender discrimination. The adoption by the General Assembly of the Declaration on the Elimination of Violence against Women and the subsequent appointment by the Commission on Human Rights of a Special Rapporteur on violence against women (resolution 1994/45) were initial steps towards the implementation of the recommendations of the Vienna Declaration and Programme of Action. With the establishment of the post of High Commissioner for Human Rights, the first part of the mandate of the Working Group of the Third Committee had been fulfilled. A similar effort should now be made to pursue a constructive dialogue to permit the continuing adaptation of the United Nations human rights machinery to current and future needs.

13. His delegation regretted the delays in the issuance of such important reports by the Secretary-General as those on the right to development, preparations for a United Nations decade for human rights education, and promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. He hoped that such delays, which had prevented delegations from commenting on the reports, would not occur in future.

14. Mr. REZVANI (Islamic Republic of Iran) recalled the first resolution on the situation of human rights in the Islamic Republic of Iran, adopted by the Commission on Human Rights in March 1984, and noted that the adoption of that resolution had been politically motivated. Retracing the history of relations between his Government and the Commission on Human Rights since 1989, he said that his Government had engaged in good faith in a dialogue with the Commission. The three visits made by the Special Representative to Iran had enabled him to familiarize himself with the situation there, carry out on-site investigations and consult with government officials as well as private individuals of his choice. They had also dispelled the myth of massive and gross violations of human rights in Iran which had been the justification for the appointment of a Special Representative and the inclusion of the item in the agenda of the General Assembly. During his third visit, the Special Representative had observed marked progress, particularly the adoption of measures to implement a number of his earlier recommendations. His delegation deeply regretted the deterioration of relations following the Commission's change of attitude at its forty-eighth session and the adoption by the General Assembly, at its two most recent sessions, of resolutions that were politically motivated.

15. Commenting on the report contained in document A/49/514, he said that nothing in the report reflected the real human rights situation in Iran and that it also contained numerous inconsistencies. First of all, it was repetitious, the same issues being mentioned in detail in section III, summarized in section IV and recapitulated, in a more negative light, in section V. Furthermore, several allegations in the report referred to events that had occurred up to three years ago and had thus been reflected in previous reports of the Special Representative.

16. He also regretted the report's lack of objectivity in that it underestimated his country's constructive cooperation and humanitarian activities and cast doubts on the positive human rights developments that had occurred.

17. The author had also shown a deliberate reluctance to address the manifold effects of the criminal activities carried out by an Iraqi-based terrorist group, such as the bombing of the Imam Reza shrine at Mashhad and the murder of Christian ministers, which made it clear that that organization was intent on creating ethnic and religious strife in Iran. There was good reason to ask why the Special Representative had chosen not to mention that terrorist organization, the answer possibly being that it had long been one of his principal sources of information.

18. He also regretted that the Special Representative had not fully considered the views and information provided by the Government prior to finalizing his conclusions, an approach which would have been more in keeping with the principles underlying human rights monitoring.

19. He wished to draw attention to the fact that many of the allegations in the report were unsubstantiated, as the Special Representative himself conceded in paragraphs 86 and 116.

20. Turning to a number of specific issues, he recalled that his Government had, since 1984, insisted that the Special Representative should be familiar with Islamic precepts and jurisprudence. The Special Representative's ignorance on that score, which he himself admitted, had led to misunderstandings and, in turn, to wrong conclusions. His delegation wished to draw the attention of all concerned to that important aspect of the problem and to the fact that the Special Representative was again considering the possibility of organizing an activity proposed several years previously, namely, the systematic study of Islamic law in relation to international human rights instruments. His delegation was anxious to contribute to mutually acceptable and beneficial cooperation in that area.

21. He also wished to address the rather peculiar way in which certain issues had been dealt with in the report. One such issue was the allegations made against his Government regarding attacks on Iranian citizens abroad. His Government had always categorically denied such accusations, which had never been proved, and which the Special Representative himself admitted were unsupported by conclusive evidence.

22. Turning to the issue of women, the observations made in the report were less than objective and showed a callous disregard for Iran's social and cultural heritage. His Government had consistently promoted the role and status of women and their skills in the management of political, economic, cultural and social affairs. It had enacted important legislative and other provisions which had brought about significant changes: women were increasingly occupying professional positions, a large percentage of university professors and also medical students were women, and the literacy rate among rural women had increased significantly.

23. With regard to allegations that due process of law had not been fully observed, the cases mentioned in the report were isolated and did not reflect a generalized situation.

24. The allegations concerning press freedom in Iran were unfounded and even libellous. In fact, one of the characteristics of Iranian society was the existence of a dynamic and lively press, including a critical press.

25. Turning to the case of author Salman Rushdie, also mentioned in the report, he reiterated that no blasphemy against any revealed religion could be justified, morally or otherwise, by invoking the right to freedom of thought, opinion or expression. He recalled that the Eighteenth Ministerial Meeting of the Organization of the Islamic Conference had also condemned the blasphemous book The Satanic Verses, whose author was considered an apostate.

26. Political manipulation of human rights and lack of objectivity were, in his delegation's view, the principal obstacles to United Nations human rights activities. The situation with regard to Iran was probably the most vivid example of that unhealthy trend. His Government would, however, continue to cooperate with United Nations human rights mechanisms on the basis of the principles of objectivity and transparency.

27. Ms. ARYSTANBEKOVA (Kazakhstan), speaking on agenda items 100 (b) and (d), said that the World Conference on Human Rights in Vienna stood out as a remarkable event in the work of the United Nations. It had afforded an opportunity to review the Organization's action to defend and protect human rights over the past 25 years (since the World Conference in Teheran), and to take stock of the current situation.

28. Pursuant to the recommendations of the Vienna Conference, the General Assembly at its forty-eighth session had established the Office of the High Commissioner for Human Rights. At the forty-ninth session of the General Assembly, Kazakhstan had assured the international community that it would comply fully with the decisions of the Conference, and had undertaken to lend unqualified support to United Nations efforts to protect human rights world wide.

29. As was stated in the report of the High Commissioner for Human Rights (A/49/36, para. 11), "the historic potentials of the Vienna Declaration and Programme of Action can only be fully realized through the coordinated efforts of Governments, international organizations and human rights bodies, national human rights institutions and non-governmental organizations". Her delegation was confident that the High Commissioner would discharge his mandate with impartiality, objectivity and efficiency, and seek to ensure respect for the entire spectrum of human rights through dialogue with all Governments, as he had begun to do during the first phase of his mandate.

30. It was particularly important for the United Nations to coordinate the actions of the international and regional agencies in the field of human rights. Measures taken at the regional level could lead to effective and comprehensive realization of human rights and fundamental freedoms if exchanges of information and experiences between regions were developed within the United Nations system.

31. Kazakhstan was a full member of the Conference on Security and Cooperation in Europe (CSCE) and took an active part in the elaboration of CSCE measures. It had hosted in Alma-Ata, in April 1994, a CSCE seminar which had led to particularly fruitful exchanges of views on the protection of human rights.

32. The second world conference on fundamental human rights and their protection by social institutions had been held in November 1994, also in Alma-Ata. That conference had examined the question of the role of non-governmental organizations in the promotion and protection of human rights.

33. As recognized by the Vienna Conference, human rights education and information were an essential element in a long-term strategy by the United Nations to enhance respect for human rights. It was therefore particularly important to elaborate a plan of action for the decade for human rights education. The Centre for Human Rights should take an active part in the organization of that decade, as it was already playing an important role in coordinating action system wide, as well as in strengthening and expanding international cooperation. It was also establishing close contacts with Governments within the framework of advisory services and technical assistance.

34. Kazakhstan had acceded, in February 1994, to one of the principal United Nations instruments in the area of human rights - the Convention on the Rights of the Child - and had ratified it in August 1994. The ratification of that Convention by all States was necessary to ensure the coordination of efforts at the national and international levels and progress in the area of child health and child development.

35. The strengthening and protection of the entire spectrum of human rights and fundamental freedoms without distinction as to race, sex, language or religion constituted one of the priorities of the United Nations.

36. Since the independence of Kazakhstan, which had more than 100 nationalities within its borders, her Government had introduced major political and economic reforms with the main objective of maintaining stability, political consensus and inter-ethnic harmony. The new Constitution, which began with the words "We, the people of Kazakhstan", emphasized the unity of all the ethnic elements. The current Parliament had emerged from the first free elections in the country. The Republic of Kazakhstan, with a Constitutional Council and a Committee on Human Rights, was striving to develop democracy throughout the nation, find concrete solutions to human rights issues, and establish a firm foundation for political stability and prosperity.

37. Within both the internal and the external contexts, Kazakhstan pursued a policy of guaranteeing all the human rights and fundamental freedoms of all its citizens, without distinction as to nationality, ethnic origin or religion, and strengthening stability and harmony between its various ethnic elements.

38. Kazakhstan spared no efforts to ensure the development in freedom of all its people. All citizens enjoyed the right to practise their religion, use their mother tongue and promote their culture. Instruction was given in 18 languages in the schools; the media operated in seven languages and there were five national theatres.

39. Her Government was firmly committed to continuing its efforts towards universal enjoyment of human rights as proclaimed in the Vienna Declaration and Programme of Action.

40. Mr. AINSO (Estonia), speaking on agenda item 100 (d), said that the World Conference on Human Rights, held in Vienna in 1993, had provided the Committee with a clear mandate. The next step was to decide where to start, for the problems and the priorities varied from one country to another. It was necessary, moreover, to recognize the fact that some States were unwilling to afford their citizens the rights prescribed in the Universal Declaration of Human Rights and the Vienna Declaration. It was only through patience, dialogue, and education and information that the cause of human rights could triumph throughout the world. The end of the cold war had extended the reach of human rights to millions of people, and their number would increase as dictatorships fell.

41. Estonia welcomed the appointment of a High Commissioner for Human Rights. The report which the High Commissioner had introduced to the Committee (A/49/36) reflected his sense of responsibility and the clear profile which he was trying

to establish for the difficult task that had been entrusted to him. In order for him to be successful, he would need increased human and financial resources so that he could better respond to crises and ensure respect for human rights.

42. At the same time, the Estonian delegation was disturbed by some attempts to utilize sections of the High Commissioner's report for blatantly political motives, which undermined the potential for promoting human rights throughout the world and the implementation of the Vienna Programme of Action. Only the High Commissioner himself should have the authority to decide which issues merited further scrutiny by special rapporteurs or by the United Nations Centre for Human Rights.

43. The commitment of the international community to the Vienna Declaration must be demonstrated by the speedy implementation of the Programme of Action of the World Conference and the use of all existing human rights mechanisms.

44. Archbishop MARTINO (Observer for the Holy See) said that, during recent decades, the Catholic Church had reflected deeply on the theme of human rights, especially on freedom of conscience and of religion, and on how best to implement those rights. Among the components that contributed to peace and justice in the world, there was a widespread aspiration to the dignity that could result from sharing material and spiritual goods and enjoying the corresponding inalienable rights. There was a tendency to believe that society had formulated human rights. However, human rights were inherent in the very existence of the human person. A society could therefore only either acknowledge or violate human rights. The implementation of such rights was a twofold task: one was to enlighten consciences through moral teaching and the other to ensure respect for human rights through legislation and enforcement measures. Neither of those conditions had yet been met.

45. The first right of the human person was life, which conditioned all other rights. The right to life, from the moment of conception, must therefore be protected above all others. It was a right which belonged neither to society nor to public authority in any form and it demanded recognition. Appreciation of that conviction provided a better understanding of the views of the Holy See on the issues currently under consideration by the Committee.

46. The world today was in need of new approaches for improving the effective enjoyment of human rights and fundamental freedoms by all. Everyone aspired to peace and without genuine respect for human rights there could be no peace. However, the search for peace must take place in an atmosphere of collaboration, respect and mutual understanding. That was why the delegation of the Holy See was pleased with the work of the Centre for Human Rights and, more particularly, with the establishment of the post of United Nations High Commissioner for Human Rights. The Holy See called on all States to work with the High Commissioner to achieve the desired outcome of that courageous undertaking.

47. It was probably illusory to speak of the protection and promotion of human rights when the State lacked the power to prevent internal violence and international organizations, including the United Nations, failed to intervene. However, in the face of violent abuses of human rights, the time for action had arrived and humanitarian interventions had become necessary. The Holy See

considered that the essential criterion was the manner in which a political regime effectively ensured respect for and promotion of the human rights of its entire population. The objection was sometimes raised that the collaboration of all States in promoting human rights constituted interference in internal affairs. Surely, however, the most certain means for any State to avoid external interference was precisely to ensure that human rights, fundamental freedoms and human dignity were respected in its territory.

48. In the view of the Holy See, one of the primary and inalienable rights of the human person was freedom of conscience and of religion, in so far as it touched the innermost sphere of the person. Throughout the ages, people had been willing to sacrifice everything, including their lives, in order to remain true to their convictions. The Catholic Church, which had members throughout the world, knew that violations and restrictions of religious freedom had caused enormous moral and material suffering. Indeed, violations of religious freedom were still widespread today.

49. The Catholic Church, through the education of its members and its many outside contacts, was making a positive contribution to the promotion of tolerance of all religions. Any programme for the protection of human rights and, particularly, of freedom of religion, should concentrate on education and on the dissemination of information on rights and corresponding duties. In that regard, the Holy See welcomed the initiative taken by certain States to proclaim a year for the teaching of human rights.

50. Religious tolerance implied recognizing the rights of others which one claimed for oneself. Instances of religious intolerance and persecution did not always originate from those who radically opposed any form of religion. On the contrary, it was often in the name of one religion that members of another persuasion were persecuted. The banner of religion had all too often been waved to fan enmities which had little to do with religion and which were rooted instead in the thirst for power, economic disparities, social tensions and racial intolerance.

51. Repudiating a religion or joining or leaving a religious body could be a stressful time for believers. None the less, if the choice had been freely made, the fundamental regard for human dignity demanded that the decision should be respected and that no retaliatory or discriminatory measure should be taken.

52. The Holy See acknowledged the contribution of the Special Rapporteur appointed to monitor the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and encouraged all Governments to cooperate fully with him. It believed, however, that if the international community was truly serious about its role as the promoter and protector of human rights, including religious freedom, it should do more. In the light of the number of conflicts in the world whose roots extended into the area of religious intolerance, the Holy See continued to stress the importance of the full implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

53. Mr. RAHMAN (Pakistan), speaking on agenda item 100 (c), said that the hopes raised by the end of the cold war and by the consensus that had been achieved at the World Conference on Human Rights on the Vienna Declaration and Programme of Action had been dashed. Human rights remained subservient to considerations of political and economic gain. International action against large-scale violations of human rights throughout the world continued to be influenced by factors unrelated to the need to protect the dignity of the human person and was calibrated instead to advance the geo-strategic interests of the more powerful members of the international community.

54. The grave human rights situation in Bosnia and Herzegovina was a test case for measuring the depth of international commitment for the protection of human rights. In the heart of a continent which prided itself on its adherence to human rights standards, entire communities had been wiped out in a depraved attempt to alter the ethnic composition of a sovereign State Member of the United Nations. The response of the international community had been spasmodic, feeble and hesitant. After a long period of inaction, an International Tribunal had been set up whose credibility had been gravely compromised by the delays in starting its work, which were due to the enormous financial difficulties which it faced. Even the modest recommendations of the Special Rapporteur had remained largely unimplemented.

55. The state of Jammu and Kashmir remained in the grip of brutal repression. Various international human rights organizations had provided evidence of gross and consistent human rights violations that conveyed a picture of unprecedented barbarity on the part of the Indian security forces. Extrajudicial killings, excessive use of force, torture, arbitrary detention and disappearances, as well as rape of women as an instrument of oppression, were all commonplace. Whole villages had been burned and over 45,000 Kashmiris had been murdered. The root cause of the uprising in Kashmir was the denial of the right to self-determination of the people of Kashmir that had been pledged to them by the United Nations, India and Pakistan, as well as incessant repression by successive Indian Governments.

56. That policy of repression had escalated in the wake of peaceful demonstrations in January 1990 during which over 100 people had been killed. More than 600,000 Indian soldiers were currently deployed in Kashmir.

57. He read out a few excerpts from reports of human rights groups, including Human Rights Watch and Amnesty International, which cited summary and extrajudicial executions, torture, rape, detention of thousands of political prisoners, and repressive measures such as the murder of civilians and the burning of entire villages. He also referred to newspaper articles written by Eric Margolis, Molly Moore and John Anderson, as well as the report of Women's Initiative, a non-governmental organization, which confirmed the systematic campaign of terror and massacres conducted by the Indian armed forces.

58. The international community should judge India's deplorable behaviour in Jammu and Kashmir on the basis of facts. India's boastful declarations about its secular and democratic traditions did not entitle it to any "grace marks".

59. With regard to the global human rights situation, his delegation deplored the misuse of human rights instruments for political purposes, especially as a means of exerting pressure on weaker States. The international community must speak out against human rights abuses whenever they occurred. Selectivity in censuring such violations was not only unjust but also derailed the collective quest for the triumph of courage and intelligence and the achievement of the ideals of freedom and equality, which had been the credo of humankind for the better part of the twentieth century.

60. Mrs. BARGHOUTI (Observer for Palestine) said that the promotion and protection of human rights was an issue of vital importance to all human beings; respect for human rights was one of the stated principles and purposes of the Charter of the United Nations. Human rights were universal, indivisible and interdependent, and she stressed the importance of ensuring the objectivity and non-selectivity of human rights issues, which had been reaffirmed in the Vienna Declaration and Programme of Action.

61. It was time to implement the provisions of human rights instruments and the recommendations adopted at Vienna. The establishment of the post of High Commissioner for Human Rights was a step forward in that direction; all delegations should now cooperate in defining the High Commissioner's mandate. In addition, she stressed the importance of poverty eradication, the right to development, human rights education and the human rights of women.

62. In spite of the recent positive developments in the Middle East peace process, in particular the signing of the Declaration of Principles on Interim Self-Government Arrangements between the Palestine Liberation Organization (PLO) and the Government of Israel, the human rights situation in the occupied Palestinian territory, including Jerusalem, had hardly changed at all. Israel was continuing its policy and practice of systematic violation of the human rights of the Palestinian people. On 23 November 1994, her delegation had expressed its greatest concern about that situation in its statement in the Special Political and Decolonization Committee during the debate on the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. She wished to re-emphasize in the Third Committee that the plight of the Palestinian people had not yet come to an end. There were still closures of the territories, arbitrary sealing off of certain areas, frequent curfews, ill-treatment during investigation, detention and imprisonment, expansion of settlements and acts of violence perpetrated by illegal settlers. The number of Palestinians who had been killed had increased, and summary executions and killings had continued. She called upon the occupying Power to put a stop to such oppressive and violent acts, which constituted a blatant violation of the provisions of the Fourth Geneva Convention that were applicable to all the territory occupied by Israel since 1967, including Jerusalem.

63. While many Palestinian prisoners had been released as part of the arrangements between the two sides, she regretted the continuing arbitrary arrest and imprisonment and physical and mental ill-treatment of detainees. She called for the immediate release of all remaining Palestinian prisoners, and said that the isolation of the West Bank and the Gaza Strip by the repeated

sealing of areas had greatly worsened existing economic and social problems and the human rights of the Palestinians who lived there.

64. With regard to the massacre committed on 25 February 1994 by an Israeli extremist Israeli settler in the Al-Ibrahimi mosque in Hebron in the occupied West Bank, she said that Israel had introduced certain measures dividing the interior of the mosque, which had further aggravated an already fragile situation. In spite of its claim that such measures had been taken for security reasons, Israel was actually seeking to create a new, illegal de facto situation by attempting to establish its rights over the mosque.

65. Furthermore, since the signing of the Declaration of Principles, Israel had escalated its expropriation of Palestinian land and the expansion of Jewish settlements had continued in the occupied territory. Those activities violated the customary rules of international law and the individual and collective rights of the Palestinian people, as well as the terms of the Declaration of Principles. That policy and practice should be terminated immediately.

66. She thanked the Special Rapporteur of the Commission on Human Rights who had been appointed to investigate the situation in the occupied territory. However, his report (E/CN.4/1994/14) did not thoroughly examine the situation of Palestinian human rights or reflect the harsh reality of their daily life under Israeli occupation. Since he had visited the area for only a few days, the Special Rapporteur had not been able to determine the extent of the violations of the human rights of the Palestinian people. She hoped that his mandate would be extended and that he would have an opportunity to examine the situation in a comprehensive manner. Moreover, she regretted that his report had not been made available to delegations in all the languages, and hoped that a similar situation would not recur.

67. She concluded by stressing the need for the strict observance in the occupied territory of international human rights instruments and humanitarian law, particularly as set out in the Fourth Geneva Convention of 1949, since such instruments were the sole guarantee of the promotion of the social, civil, political and economic rights of the Palestinian people and were the instruments on which the Palestinian people relied for justice.

68. Miss FERTEKLIGIL (Turkey) said that the establishment of a new world order, the most important challenge facing the international community at the close of the twentieth century, should respect the universality of human rights, the rule of law and justice. Such conditions were far from being satisfied, especially in view of the number of conflicts involving flagrant violations of the human rights of all members of civil society. Another challenge was the universal establishment of pluralist democracy, given the close relationship between democracy and the protection of human rights, which must be supplemented by another element: development. In that regard, her delegation was pleased that the United Nations system provided mechanisms for protecting and promoting human rights, which had led to considerable progress in that area. She welcomed, in particular, the appointment of the High Commissioner for Human Rights, as well as the initiatives that he had taken with respect to the tragic situation in Rwanda and the preventive measures he had undertaken in Burundi. She commended the cooperation between the High Commissioner and the United Nations Centre for

Human Rights and pointed out that Turkey had always sponsored draft resolutions on the strengthening of the Centre, which were usually introduced by Greece.

69. Her delegation wished to assure the Special Rapporteur on contemporary forms of racism and racial discrimination of its support. He faced a considerable task, especially in certain Western European countries where racism was on the rise.

70. Nevertheless, much remained to be done to establish the indivisibility, universality and interdependence of human rights throughout the world. Convinced that nothing was ever achieved once and for all in the field of human rights, her delegation believed that it was necessary to adopt a gradual approach, since the very concept of human rights evolved in accordance with developments at the national, regional and international levels. Practically no country of the international community could consider itself free of human rights violations or pretend that it had a perfect record in that field.

71. With regard to Bosnia and Herzegovina, her delegation considered that that crime against humanity in the very heart of Europe marked the sinister progress of expansionism in the face of the international community's procrastination. She referred to the latest report of the Special Rapporteur, which confirmed the persistence of grave human rights violations, the systematic and daily slaughter of innocent people, the odious practice of ethnic cleansing and forced resettlement, even in the so-called "security" zones. She called upon the international community not to use the alibi of humanitarian assistance to evade its responsibilities. To delay in responding to the plight of the people of Bosnia and Herzegovina would be to encourage the continued violation of human rights in all impunity, at a time when the international community claimed to be developing means of preventing conflicts and examining ways of keeping or re-establishing peace. Its failure to act would facilitate the completion of ethnic cleansing and genocide and would increase the risk of the spread of the conflict to other parts of the region.

72. In the opinion of her delegation, the stakes in Bosnia and Herzegovina were much higher than the mere survival of the Bosnian State and its people. The triumph of expansionism would signal the defeat of the universal values on which the United Nations was based. Turkey would continue to uphold the cause of Bosnia and Herzegovina and condemn the atrocities committed there. In that regard, her delegation welcomed the establishment of international tribunals for the war crimes committed in the former Yugoslavia and Rwanda. She hoped that those two initiatives would have a dissuasive effect, which would prevent the repetition of such large-scale tragedies by demonstrating that, at the end of the twentieth century, such crimes would no longer go unpunished by international law.

73. Her delegation was also concerned at the deterioration of the human rights situation in Kosovo, as described in the report of the Special Rapporteur (A/49/641). The international community should be vigilant and undertake preventive action before the discriminatory measures against the Albanian population of that state escalated to a point that would make intervention difficult. Turkey would support any efforts in that area.

74. Her delegation was also uneasy about the situation in the Sandjak, where mass violations of human rights were taking place. The report of the Special Rapporteur confirmed the intensification of acts of aggression, violence and harassment committed mainly against members of the Muslim community. In order to maintain peace and stability, the international community should, as a matter of urgency, help re-establish respect for the human rights of that community by taking the necessary immediate action.

75. As a member of the Contact Group of the Organization of the Islamic Conference, her delegation was concerned at the human rights situation in Kashmir. The dispute between Pakistan and India should be settled by a resumption of the dialogue between those countries. Turkey would continue to support all efforts to that end.

76. Her delegation was also concerned at the situation in the Caucasus, where the human rights situation was, unfortunately, worsening as a result of conflicts and tensions.

77. For its part, the Turkish Government was determined to make sustained efforts to ensure respect for the human rights of its entire people. Aware of shortcomings of its system, Turkey was constantly reviewing its legislation and practices. Convinced of the interdependence of democracy and human rights, it was endeavouring to ensure the functioning of a pluralist democracy, in particular by conducting free, fair and periodic elections. It was in that spirit that Turkey had acceded to the most stringent international conventions and had accepted the principle of international monitoring. Turkey was not only a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, but it had also made, in accordance with articles 21 and 22 of that Convention, the declarations relating to complaints of one State Party against another, as well as individual complaints. It had taken steps that would lead to its accession to other international instruments. Turkey was constantly considering ways to reform and improve its system and to that end had broadened the competence of the Parliamentary Commission on Human Rights, in which all the political parties in the Turkish Parliament were represented, in order to give the Commission the right to investigate human rights allegations and complaints and propose amendments to existing legislation. Moreover, the Prime Minister had established an office of chief adviser for human rights, whose task was to coordinate activities for the protection and promotion of those rights, expand instruction in the field of human rights at schools and universities and harmonize Turkish legislation with the relevant international human rights instruments. A series of legislative reforms relating to human rights was currently before the Turkish Parliament. The Ministry of Justice had begun to review the law on freedom of expression, and that issue was currently being considered by the competent parliamentary commission. Information campaigns had been conducted in order to increase awareness and knowledge of human rights.

78. As terrorism showed, human rights violations were not only the "prerogative" of States. The entire international community should condemn terrorism, which did not hesitate to violate the most basic human right - innocent people's right to life. Her delegation emphasized the word "innocent" to describe the victims of that scourge. She was pleased that CSCE, NATO and

UNESCO had begun to consider the phenomenon of terrorism within their respective fields of competence.

79. She concluded by reiterating that Turkey, a pluralist democracy, would endeavour to promote and protect human rights and contribute to international cooperation in that field.

80. Mr. Biggar (Ireland), Vice-Chairman, took the Chair.

81. Mr. GUJRAL (India) recalled that the "peoples of the United Nations" had reaffirmed their "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small". However, during the cold war, human rights had become entangled in bloc politics. When apartheid, the most obnoxious and systematic violation of human rights, had been brought before the United Nations, some countries had sought to exclude it from the agenda on the pretext that it fell under the internal jurisdiction of States. Currently, human rights had become a new religion.

82. Even before the inception of the United Nations, India had championed human rights. Several centuries previously, an Indian sage had proclaimed man as the highest truth. The humanistic traditions of tolerance, harmony, non-violence and respect for the individual were part of the Indian ethos. Mahatma Gandhi's non-violent struggle against imperialism had been based on that ethos.

83. All human rights in India were guaranteed by the Constitution, enforced by an independent judiciary and monitored by a free and vigilant press and articulate public opinion. Democracy, which was based on elected representatives' accountability to the people, promoted individual freedom of thought and action. A large number of non-governmental organizations defended human rights and investigated reports of violations.

84. The Constitution had anticipated the major human rights covenants, and very few changes had been necessary, therefore, to bring it into line with the many international human rights instruments ratified by India. The National Human Rights Commission, which investigated complaints brought before it and initiated investigations on its own, was functioning effectively, as were the national commissions for disadvantaged groups, minorities and women.

85. India was a unique case of a pluralistic society of more than 900 million people of different faiths, languages, traditions and cultures. It had been the birthplace of many religions (Hinduism, Jainism, Buddhism and Sikhism) and was home to other religions such as Islam, Christianity, Zoroastrianism and Judaism. More than 100 different languages and more than 2,000 dialects were spoken there. India had shown that true democracy was not just the rule of the majority but the equal protection of the interests of all citizens, whether minorities or the majority.

86. His delegation was pleased that the United Nations had rediscovered its role in the promotion and protection of human rights. The consensus-based Vienna Declaration and Programme of Action had reaffirmed the solemn commitment of all States to promote universal respect for and protection of all human rights; they advocated the enhancement of international cooperation in that

field; they recognized the need to strike a balance between respect for political and civil rights and the quest for a better life, economically and socially, for the vast majority of the world's people; they called for the implementation of human rights nationally and globally, while reaffirming the inviolability of the principles of national sovereignty, territorial integrity and non-interference in the internal affairs of States; and they recognized the right to development as a universal and inalienable right and an integral part of fundamental human rights.

87. Human rights could not be promoted, however, without a recognition of the obstacles in their path. While poverty and illiteracy had traditionally been acknowledged as causes of social tension, a new threat to the rule of law and social order had emerged in the form of terrorism in different parts of the world. Terrorism, particularly the kind that was sponsored and sustained from outside, was the very antithesis of democracy and was fast becoming a means of mass destruction. His delegation hoped that the declaration on international terrorism to be adopted by the General Assembly would be a harbinger of an international convention to combat terrorism.

88. India had supported the strengthening of the United Nations human rights machinery, in particular the Commission on Human Rights, the most authoritative organ in that field. As an operational arm of the Commission, the Centre for Human Rights should have the necessary human and other resources to fulfil its mandate. The High Commissioner for Human Rights had, in a short period, given further thrust to the United Nations role in human rights. His action had been timely in Rwanda and Burundi.

89. India regretted that the politicization of human rights was a temptation that many countries were unable to resist. A high standard of living was no guarantee of respect for human rights, since some of the developed countries were guilty of allowing such gross violation of human rights as child pornography. Racism, xenophobia, and religious, linguistic and ethnic intolerance were as common in developed countries as in developing ones. Poverty led to social conflict, but prosperity by itself did not guarantee equality unless it was accompanied by genuine respect for human rights and the public welfare. It should not be forgotten that many currently industrialized democracies had gone through periods in their history when the imperatives of industrialization were given greater attention than the rights of individuals.

90. His delegation reproached the delegation of Pakistan for casting aspersions on India, as though Pakistan itself was a paragon of perfection. In Pakistan, intolerance was State policy. Religious minorities, in whose name Pakistan had been established, had no rights in their own country. Several thousand Pakistani citizens languished in another country without the right to return to their homeland. According to the Pakistani Human Rights Council in Islamabad, a large number of women suffered daily horrors at the hands of the Government of Pakistan, under the hudud and blasphemy laws. Some minorities, such as Christians and the Ahmadiyah, were treated as second- and third-class citizens under the laws of that country. None the less, the representatives of Pakistan had no qualms in claiming that human rights were being violated in India, especially in a region where India had been the target of terrorism, militancy and secessionist activities sponsored by Pakistan. In his delegation's view,

Pakistan was championing the human rights of terrorists when it referred to the anti-terrorist activities of the Indian authorities as violations of human rights. There was concrete evidence to show that the tentacles of terrorism sponsored by Pakistan had spread to Central Asia, Western Asia and even to New York.

91. India felt that Pakistan's reasoning was specious when it claimed to apply the principle of self-determination to the population of Jammu and Kashmir. That state had also accepted the Indian Union, constitutionally and definitively. Moreover, the Pakistani Minister for Foreign Affairs himself had stated that the concept of self-determination had become somewhat alarming, for after the cold war it had given rise to massive ethnic movements throughout the world. His delegation also referred to the report of the Commission on Human Rights, which noted the extreme gravity of violations committed by militant groups in the Punjab and Kashmir, attributing them in part to the proliferation of sophisticated small arms and the evident failure of those who were trying to convince militants to respect human rights.

92. For the past five years, Pakistan, pursuing its territorial ambitions with regard to India, had been engaging in terrorism in the State of Jammu and Kashmir. Between 1989 and 1994 terrorists had killed nearly 9,000 people. The police were engaged in countering that war which was waged by proxy and safeguarding the rights of the innocent population. The State was doing its utmost to prevent any violations of human rights and to punish those who were guilty of excesses through due process of law. Diplomats, journalists and tourists could see for themselves the restraint that the authorities were exercising while fighting terrorism. In keeping with India's policy of transparency, organizations such as the International Committee of the Red Cross were being given greater access to the State. His delegation was happy to be able to say that the situation was returning to normal, so much so that the Election Commission was contemplating holding elections in 1995.

93. He deplored the fact that some delegations, which were concerned about the violence in Jammu and Kashmir, ignored fundamental cause of the violence, namely, the terrorism sponsored by Pakistan, and focused instead on its consequences, namely, the action of the security forces. Any equation between the perpetrators of terrorism and the authorities charged with the enforcement of law and order was unacceptable.

94. Now that the cold war was over, the United Nations should focus on the task of promoting international cooperation in the field of human rights. It should perform that role with impartiality, objectivity and non-selectivity throughout the world, giving equal attention to all rights, political, economic and social. India undertook to cooperate in that endeavour, as a nation dedicated to both at the international peace level and within its own society.

95. Mr. Cissé (Senegal) took the Chair.

96. Mr. VASSILAKIS (Greece) associated himself wholeheartedly with the statement made by the representative of Germany on behalf of the European Union, but said that he felt it necessary to draw attention, once again, to the question of human rights violations in Cyprus. Although much progress had been

made on the human rights front throughout the world, as demonstrated by the holding of the World Conference on Human Rights and the creation of the post of United Nations High Commissioner for Human Rights, in Cyprus the human rights situation remained unchanged. As the Secretary-General had pointed out in his report on his mission of good offices in Cyprus (S/1994/629), the absence of agreement was due essentially to a lack of political will on the Turkish Cypriot side.

97. The current situation in Cyprus was a direct consequence of the Turkish invasion that had taken place in 1974. Now, 20 years later, almost 40 per cent of the territory of Cyprus, a sovereign, independent, democratic State and a Member of the United Nations, remained under occupation, and gross and massive violations of human rights and fundamental freedoms continued to be committed there. As a result of the invasion, 200,000 Greek Cypriots had fled their homes and were refugees in their own country.

98. Turkey had been seeking, since 1974, to alter the demographic structure of the island, particularly in the occupied territory. Although 80,000 Turks had settled in the north of the island, the Turkish community was still outnumbered in Cyprus, even if the 35,000 Turkish soldiers stationed in the island were taken into account.

99. Meanwhile the Greek Cypriots living in the occupied territory (whose numbers had dropped from 22,000 in 1974 to less than 550 in 1994) continued to be the victims of discriminatory measures, harassment and violent acts and to suffer human rights violations (1,619 Greek Cypriots had disappeared) and systematic looting of the cultural heritage of Cyprus.

100. Everyone agreed that the issue of Cyprus was above all a problem of foreign military invasion and occupation. Greece had repeatedly declared that the status quo was unacceptable and that no just and viable solution could be found as long as the Turkish army and settlers did not withdraw from Cyprus and as long as fundamental freedoms were not restored. It therefore called on the international community to see to it that the relevant resolutions of the General Assembly and of the Security Council were promptly implemented.

101. In his statement to the Committee, the representative of Albania had emphasized that the Greek minority in Albania enjoyed complete equality of rights before the law and in fact, and was integrated in all spheres of life, political, economic and social. That was an astonishing statement, and was also misleading. The regime that had replaced that of Enver Hoxha showed little or no respect for human rights, particularly those of the Greek minority. Freedom of expression, education and religion were the areas most frequently mentioned in the reports prepared by international bodies, particularly the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the European Parliament. The case of the five members of the Greek community who had been thrown into prison following a mock trial was an eloquent example of the Albanian Government's intent to strip the Greek minority of its rights.

102. If Albania really wanted to be part of the democratic world, its Government must respect the agreements it had concluded in the context of the Conference on

Security and Cooperation in Europe, and safeguard the fundamental rights of the Greek minority, including its right to freedom of religion and of education.

103. Throughout its history, Greece had demonstrated profound respect for human rights. It therefore hoped that United Nations institutions dealing with human rights would establish a coordinating mechanism that could act with due moderation to prevent human rights violations wherever that might be necessary.

104. The CHAIRMAN, summarizing the Committee's discussions on that highly complex and controversial issue (agenda item 100), recalled that the Committee had heard introductory statements by the High Commissioner for Human Rights and the head of the Centre for Human Rights and by the special rapporteurs and representatives of the Commission on Human Rights.

105. Some delegations believed that human rights violations occurred not only in countries where they were regularly reported but also in countries in the Northern hemisphere where there were manifestations of racism, xenophobia, intolerance and of contempt for other cultures. The reports of the special rapporteurs had received a mixed reception; some had been well received whereas others had been sharply criticized. Some rapporteurs, for their part, had complained of running into difficulties in carrying out their mandate. Whereas in some countries, for example, in South Africa, human rights were being restored, in others, for example, Rwanda, Bosnia and Herzegovina and wherever there was instability or political crisis, the human rights situation was deteriorating. In yet a third category of countries, there were disturbing signs that human rights violations might be around the corner.

106. It had to be recognized that countries did not agree on the definition of human rights. For some, human rights were an integral whole ranging from civil and political rights to the right to development, including respect for cultural identity. Many delegations had referred in that respect to the criteria of impartiality, objectivity and non-selectivity. For others, emphasizing those rights was almost a pretext for relegating to a secondary level rights which constituted the common ethical standard of mankind: the right to life, to freedom of expression, equality before the law, free choice of representatives, etc. The statements which had been made demonstrated the persistence of those two schools which remained fairly far apart. The positive aspect was that human rights were an important issue which was of concern to every country and had given rise to many statements. It had also been felt that the human rights bodies should have the resources to carry out their work. That concern of the international community had led delegations to recognize the value of the activities of the United Nations High Commissioner for Human Rights and the role of the Centre for Human Rights and of all bodies concerned with the question. Many delegations had referred in that respect to the Vienna Declaration and Programme of Action and to the reports submitted under the various sub-items of item 100.

107. He would not revert to sub-item (e), on which he had already commented.

108. In conclusion, he felt that the reason why there was so much interest in human rights was that they had become an accepted standard and it was possible to distinguish broadly between countries which violated human rights and refused

to recognize them and countries which were posing as protectors of human rights, while secretly violating some rights. At all events, no country could admit that it was violating human rights, and that was perhaps a point of departure towards universal respect for those rights.

Rights of reply

109. Mr. ELMUFTI (Sudan), replying to the unfair remarks made against Sudan by some western countries, said that those countries were regarded by the international community as hypocrites; they were calling upon Sudan to respect its obligations under the Convention on the Rights of the Child while the most prosperous among them had declined to ratify it so as not to be obliged to ban from their territories the sale of organs of third world children, the most notorious violation of human rights in modern times. Their allegations were contradicted by recent eye-witness testimony by an internationally recognized personality, Lord McNair. The Committee was therefore legally and morally obliged to disregard such dishonest and irresponsible remarks; the time had come for the international community to consider human rights on their merits and not to trade them for political favours.

110. It was regrettable that the attitude of Western countries had encouraged small countries like Hungary to join ranks with them in attacking Sudan in expectation of some favours. It was to be expected that Hungary would have some sympathy with the Special Rapporteur since he was of Hungarian origin but no one would have imagined that Hungary would go out of its way to attack Sudan. Cases of torture, ill treatment and ethnic discrimination were widespread in Hungary as documented in the most recent report of Amnesty International (pp. 156 and 157) and as indicated by the concern expressed by the Human Rights Committee in July 1994 about the use of excessive force by the police, especially against foreigners residing in Hungary and asylum seekers held in detention.

111. It was an irony of fate that it was precisely those countries which had built their material triumph on gross violations of the rights of the poor nations of Africa, Asia and Latin America which were making accusations against Sudan, for which human rights were not only an international obligation but also a sacrosanct belief. Those countries still had a very long way to go before they were qualified to talk about human rights.

112. Mr. REZVANI (Islamic Republic of Iran) said that some delegations had made comments about human rights in Iran which were devoid of objectivity and stemmed from short-sighted political considerations. First, it was not rare for cases of human rights violations to occur in countries which blamed others. A number of reports of international and non-governmental organizations referred to cases of torture, ill-treatment of prisoners, police brutality and discrimination in the administration of justice based on race or ethnic background in many Western countries including the United States of America, the United Kingdom and Canada.

113. Second, it was disconcerting to note that international obligations in the protection of the rights of refugees in European countries were not always met, that homosexuality had been legalized even for minors and that the rights of Muslim minorities in Europe were being violated, giving rise to a wave of indignation in Iran which had found expression in the final communiqué of the

coordinating meeting of ministers for foreign affairs of the Organization of the Islamic Conference on 3 October 1994. The insensitive statements made by Sweden and Norway had only thrown oil on the flames.

114. Third, Iran categorically denied the allegations concerning its involvement in the events in Iraq. There was no need to stress the situation of the population living in the south of Iraq and the suffering it was enduring because of continued repression. Iraq, for its part, was continuing to provide logistic, financial and military support and intelligence to a terrorist group based in Iraq to enable it to attack civilian targets in Iran, for example to bombard the shrine of Imam Reza at Mashhad.

115. Fourth, with regard to the accusation about torture in Iran, he said that under the Iranian Constitution all forms of torture, including mental and physical torture and degrading treatment of accused persons, arrested persons and prisoners, were unlawful. Under the criminal code, law enforcement agents and criminal justice practitioners who violated those provisions were prosecuted and could be relieved of their functions or even sentenced to prison terms.

116. The principles of tolerance and protection of the rights of religious minorities were strictly observed in Iran. Moreover, religious minorities were represented in Parliament where their deputies were treated in the same manner as their colleagues. The right of minorities to practice their religions freely was specifically protected under the Constitution.

117. Mr. UMAR (Pakistan) said that India had great expertise in the art of deceit, extortion and defamation in a vain attempt to hide from the world the full reality of the human rights situation in Jammu and Kashmir.

118. India claimed that Jammu and Kashmir were an integral part of its territory. Yet there was no logic in that claim, since the relevant Security Council resolutions clearly specified that the fate of Jammu and Kashmir must be decided by the population on the basis of a free and impartial plebiscite.

119. The situation in Kashmir clearly belied the claims made by India since more than half a million troops were deployed in that occupied State to suppress the freedom struggle that was being waged by Kashmir. Moreover, no major leader in Kashmir was prepared to talk to the Indian Government or had shown any interest in the elections which India proposed to organize in Kashmir. In distorting the comments of the Pakistani Minister for Foreign Affairs, India could not hope to falsify the facts of history. Self-determination was a right which had been granted to the people of Jammu and Kashmir by the Security Council and nothing could erode that fundamental right. A territory and a nation were being kept under forced occupation by a brutal military apparatus. How could India claim that human rights were not being violated in Jammu and Kashmir when the reports of seven international human rights organizations, including Amnesty International, Human Rights Watch and Asia Watch, drawn up by international observers, described extensive devastation in the state of Jammu and Kashmir?

120. India, resorting to the age-old argument of oppressors, had branded the struggle waged by the population of Jammu and Kashmir for its freedom as a terrorist movement and had accused Pakistan of sponsoring terrorism in Kashmir.

Pakistan had asked on a number of occasions for neutral international observers to be stationed along both sides of the line of control for monitoring and surveillance but India had refused. Unless India agreed to the establishment of a stronger international mechanism along the line of control, all its claims about cross border terrorism would have to be treated with the scorn they deserved.

121. The Indian Government claimed that it wished to live in peace and harmony with Pakistan. Pakistan, over the years that had gone by, had tried to engage in meaningful dialogue with India to resolve the dispute in Kashmir. However, its efforts had been stalled and stonewalled by India which wanted a peace that would confirm its illegal occupation of the State of Jammu and Kashmir, stifle the voice of the population, perpetuate subjugation and reward India's hegemonistic designs.

122. Mr. SREENIVASAN (India) said that, first, the logic which India was using to claim that the State of Jammu and Kashmir was part of its territory was the same logic which had brought about the creation of Pakistan. Five hundred princely states of the former British India had freely and finally acceded either to India or to Pakistan. If the accession of Jammu and Kashmir to India were to be challenged, so also should the question of the formation of Pakistan.

123. Second, with reference to the question of self-determination, Pakistan claimed, on the one hand, that the population of Kashmir had the right to self-determination, while maintaining, on the other hand, that Kashmir belonged to Pakistan.

124. Third, according to Pakistan, India claimed that there were no human rights violations in Kashmir. That was not the case, since such violations certainly did exist; they were carried out by terrorists encouraged and supported by Pakistan.

125. Fourth, with reference to the dialogue between the two countries, India had on several occasions offered the hand of friendship and had declared its willingness to discuss all outstanding issues, including that of Jammu and Kashmir. The Indian Minister for Foreign Affairs had gone to Pakistan several days previously to take part in a conference of Commonwealth senior officials. He had on that occasion expressed a desire to enter into a dialogue on outstanding issues and his offer had been rejected.

126. In conclusion, India maintained that Pakistan was obsessed by the question of Kashmir and that its territorial ambition with regard to India was an idée fixe. Pakistan used different arguments in different forums: at the Organization of the Islamic Conference, it spoke of Kashmir as an Islamic matter; in the First Committee, as a security matter; in the Third Committee, as a question of self-determination; and elsewhere, as a human rights issue. The fact of the matter was that Jammu and Kashmir was part of India, and India would not permit any aspersions to be cast in that regard.

127. Mr. UMER (Pakistan) thanked the representative of India for having explained by what rationale, according to him, Kashmir had become an integral part of India. If one were to go by logic, however, what was the situation with

regard to the resolutions of the Security Council, for which India had never shown any respect? He recalled that the Prime Minister of India, Mr. Nehru, had said that India had taken the issue to the United Nations and, having given its word of honour that it would seek a peaceful solution, it could not backtrack on its word. The final solution was up to the population of Kashmir, and India was determined to abide by its decision. According to India, Pakistan claimed that Kashmir belonged to it, but that was not so. Pakistan maintained that Kashmir was a disputed territory, as was recognized by the United Nations and the Security Council, and that the fate of the population should be decided by a free and fair plebiscite, as mandated by the Security Council.

128. Mr. SREENIVASAN (India) said that, first, the representative of Pakistan had made no mention of the human rights situation in Pakistan to which he had referred in his statement. Second, the representative of Pakistan had not replied to India's question about terrorism. He had merely cited several documents; India could also cite several documents, including Human Rights Watch documents according to which it appeared from the information available that most of the arms used by the militant Sikhs and Kashmiris came from two sources within Pakistan, one being the vast black market in arms in the North-West Frontier Province of Pakistan, and the other, members of the Pakistani Intelligence Service who operated either on their own, or with the tacit or explicit complicity of the Central Government of Pakistan.

129. Mr. GÜVEN (Turkey) said that, after listening to the statement by the representative of Greece, he was forced to set the record straight.

130. It was a well-known fact that the partition of Cyprus had taken place in 1963, when the Greek Cypriots had thrown the Turkish Cypriots out of the Government and administration of the island, thereby rendering the Government unconstitutional. From 1963 to 1974, the Turkish Cypriot population had been confined to tight enclaves, which represented only 3 per cent of the territory.

131. The representative of Greece had referred to Greek Cypriot refugees; he would have been more convincing if he had also mentioned that, for 11 years, one quarter of the Turkish Cypriot population, exiled in their own country, had lived in fear.

132. He could equally well have mentioned that the origin of the whole problem lay in the desire of Archbishop Makarios to end the independence of Cyprus and unite the island with Greece (enosis). That aim had clearly been actively supported by the Greek Government, which had, furthermore, orchestrated the coup d'état in Nicosia in 1974. In those circumstances, he wondered how the representative of Greece could talk of Greek Cypriot refugees without even mentioning the causes of the current situation.

133. In any event, the question of displaced persons had been settled by an agreement reached between the two parties in Vienna on 2 August 1975. The implementation of that agreement, under United Nations supervision, had completed the regrouping of the two communities, each of which now lived in its own zone.

134. If the Turkish Army maintained a presence on the island, it was in order to protect the Turkish Cypriots and their tiny State from the dire fate which the Greek Cypriots would inflict on them, were they given the chance. Without that military presence, the Turkish Cypriots would certainly have suffered the same fate as the people of Bihac, Gorazde or Sarajevo.

135. The representative of Greece had not failed to bring up the well-worn argument that the cultural heritage of the island was being systematically plundered. That was simply not true, as UNESCO reports demonstrated. On the contrary, it was the Greek Cypriots who persisted in showing disrespect for the Turkish and Islamic heritage of the island.

136. With regard to the demographic structure of Cyprus, the Greek side was once again trying to confuse the innocent with the guilty. Recent history clearly showed that it was the Greeks who had attempted to change the bi-communal character of the island, by trying to eliminate the Turkish Cypriots. It was also revealing that, quite recently, the Greek Cypriot side had signed an agreement with the Hellenic Republic providing for the granting of dual citizenship to nationals of the two countries.

137. The representative of Greece had also denounced the disappearance of Greek Cypriots, without mentioning those missing on the other side. He was, however, in a good position to know that many of the missing Greek Cypriots had been killed by their own community at the time of the 1974 coup d'état. Those missing persons were, moreover, for the most part, military personnel, whereas the majority of missing Turkish Cypriots were civilians.

138. In his statement, the representative of Greece had done his utmost to lay all the responsibility for the current deadlock on Turkey and the Turkish Cypriots, accusing them of obstructing the conclusion of an agreement. That attempt was part of an elaborate disinformation campaign conducted by Greece with a view to influencing the outcome of the ongoing discussions between the two parties and the representatives of the Secretary-General. In that respect, he wished to emphasize once again that it was for the Cypriots of the two communities to seek a viable solution. Turkey, for its part, had always supported the Secretary-General's mission of good offices. It was for that reason that his delegation noted with regret from the content and tone of the statement by the representative of Greece that the Greek Government was intent on pursuing its hostile policy and placing obstacles in the way of any settlement.

139. Mr. BRAHA (Albania) said that the accusations made by the representative of Greece were totally unfounded and ill-intentioned. They represented one of the many manifestations of the campaign waged by the Greek Government against Albania for internal political reasons and to satisfy well-known nationalist ambitions. The falsity of the accusations was so obvious that they did not merit a response. His delegation wished, however, to provide some clarification, which would help to set the record straight.

140. In the report which he had presented to the Committee of Senior Officials (CSO), the High Commissioner on National Minorities of the Conference on Security and Cooperation in Europe had concluded that Albania was fulfilling its

obligations with regard to the education of persons belonging to national minorities, as set out in the Copenhagen Final Document of 1990 and other international instruments.

141. With regard to the trial of the five Albanian nationals of Greek origin to which the representative of Greece had referred, his delegation wished to make it clear that those concerned had only been arrested once their part in criminal activities had been clearly established. Accused of collusion with the Greek Secret Service and of illegal possession of arms, they had been found guilty and sentenced at the end of an open and fair trial. Some 100 people had attended the trial, including Greek parliamentarians, diplomats and journalists.

142. To use national minorities to achieve political goals, as Greece did, was a dangerous and illegal practice, particularly in the Balkans, where it risked having unforeseeable consequences. It was regrettable that a State member of the European Union, an organization which was seen as a model of cooperation and political and economic integration, should adopt such a policy in defiance of the most elementary principles of democracy.

143. Albania called upon Greece to respect, on its own territory, the norms of international law applicable to ethnic minorities; the first step in that direction was for Greece to recognize the existence of the Albanian, Turkish and Macedonian minorities and guarantee them the full exercise of their rights. Albania was concerned about the fate of the Chams, forcibly expelled by the Greek authorities in 1944-1945. The massacres perpetrated by the Greek authorities during that period were still vivid in the memory of the Chams, who had taken refuge in Albania and were demanding their right to return home.

144. Mr. BUTLER (Australia) said that, in view of the statement by the representative of Cuba which had taken his delegation to task, he wished to clarify a number of points.

145. Australia was aware that its indigenous communities had been dispossessed and subjected to unjust treatment. There was still a great deal to be done in that area. However, it was equally true that Australia had taken resolute steps to redress the situation and restore justice. In particular, it had established a national agency, directed and managed by representatives of indigenous communities, and availed it with substantial resources to finance its programmes for the benefit of those communities. Large areas of Australian territory had likewise been returned to the indigenous communities and special laws promulgated to that effect. In addition, a commission had been established to look into the human rights complaints of those communities.

146. In that connection, he recalled that his country had acceded to the First Optional Protocol to the International Covenant on Civil and Political Rights, thus enabling individuals to lodge complaints with the Human Rights Committee whenever they considered their rights under the Covenant to have been violated, and some Australians, including members of indigenous communities, had done so.

147. Cuba had not acceded to the International Covenant on Civil and Political Rights and had blocked dialogue with the United Nations on the question of human rights. It was for that reason that his delegation, in its statement of

25 November 1994, had called on the Cuban Government to allow the Special Rapporteur of the Commission on Human Rights to visit Cuba in order to effectively discharge his mandate, and that had probably provoked the reaction from Cuba.

148. Mr. VASSILAKIS (Greece) said that the reaction of the representative of Turkey to the statement made by the representative of Greece had been biased and partisan. The human rights situation in Turkey was far from satisfactory. Consequently, if Turkey could undertake to put into practice international human rights standards not only on its own territory but also in Cyprus, it might be possible to reach satisfactory settlement on the question of Cyprus.

149. He pointed out a number of inaccuracies in the reply of the representative of Albania, including the assertion that there were several ethnic minorities in Greece. As a matter of fact, there was only one, the Muslim minority, recognized by the Treaty of Lausanne of 1923. On the question of human rights in Albania, he reiterated that the resolutions adopted by various international and European bodies left no doubt as to the inference to be drawn on the matter. Greece therefore called on the Government of Albania to put into practice the accepted international human rights standards, which would automatically ensure that the rights of the Greek minority were also respected.

150. Mr. SHAMBOS (Cyprus) said that the representative of Turkey had endeavoured to tarnish the image of Archbishop Makarios and pour scorn on the struggle of the Cypriot people for self-determination. Cypriots were proud of the struggle that had led to the independence of their country, which indeed Turkey was under an obligation to recognize and respect. In fact, the Turkish Government had done its utmost to weaken that independence, and it was at its behest that Turkish Cypriots had abandoned the Government, in order to have a free hand in organizing the partition of the country. Far from restoring peace, as claimed by the representative of Turkey, Turkish troops had spread terror and constrained Turkish Cypriots to flee the country. The latter were presently a minority in relation to the Turkish community on the island, which consisted essentially of Turkish settlers and soldiers.

151. Turkey claimed that an agreement had been signed in Vienna to resolve the question of displaced persons. As a matter of fact, all that had been done in Vienna was to authorize a handful of Turkish Cypriots to go wherever they wanted. Turkey had brought pressure to bear on Turkish Cypriots, forcing them to leave their homes in the southern part of the island and to settle in the north.

152. Although the representative of Turkey had made reference to ongoing negotiations between the two parties, in fact no more talks were taking place, since Turkey had abandoned the negotiating table and reneged on its commitments.

153. The prevailing situation, and the violations of human rights, were directly traceable to the Turkish Government's decision to occupy the island in defiance of several United Nations resolutions on the matter. The withdrawal of the occupying forces was therefore a precondition to any settlement of the question of Cyprus.

154. Mr. BRAHA (Albania) said that Greece, though a neighbouring country, unfortunately persisted in its refusal to acknowledge the profound changes that had taken place in Albania over the past three years. Furthermore, on the question of ethnic minorities in Greece, the existence of several minorities was attested to by a number of non-governmental organizations concerned with human rights issues. He said it was unfortunate that Greece had failed to respond favourably to the Albanian Government's numerous offers to engage in dialogue, and he reiterated the assertions he had made in the course of his exercise of the right of reply.

155. Mr. GÜVEN (Turkey) said that the Turkish Cypriots had been forced to leave the Government and their homes and had never been allowed to return. After recalling the many acts of violence and brutality perpetrated by the Greek Cypriots against the Turkish Cypriots, he said that Greece was in no position to give lessons on human rights to anybody.

156. Moreover, Turkey respected humanitarian law, certainly to a greater extent than did Greece, and at any rate did not impose unjustifiable embargoes against its neighbours.

157. Mr. VASSILAKIS (Greece) said that he would confine himself to recalling that international agencies and non-governmental organizations involved in the defence of human rights were worried about the human rights situation in Turkey, not in Greece.

158. Mr. SHAMBOS (Cyprus) rejected all the points made by the representative of Turkey. He was not surprised by the false allegations, however, as aggressors normally resorted to such methods. Turkey was doing everything possible to annex Cyprus. He was none the less confident that it would not succeed in its designs and would eventually, under pressure from the international community, withdraw from the island.

The meeting rose at 6.45 p.m.